



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,158	12/14/2000	Mitch A. Williams	10559-368001	8205

20985 7590 10/03/2003

FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,158

Applicant(s)

WILLIAMS, MITCH A.

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/14/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1, 4, 5, 9, 10, 11, 18, 19, 23, 26, 27, 29 rejected under 35 U.S.C. 103(a) as being unpatentable over of Admitted Prior Art (APA) in view of Bullough (US. Patent 6,282,586 B1).

As to claim 1, APA teaches an intermediate driver (an intermediate driver, page 3 to page 4), memory (memory, page 4), a persistency (persistent mode, page 4, ln 10-24), a device driver (a device driver, page 4). APA does not explicit teach the term controlling a persistent (teaches the device driver makes itself available to the intermediate, page 4, ln 10-21).

APA does not explicit teach the term “ determining whether an intermediate driver is present”. However, Bullough teaches determining one of the plurality of alternative hardware devices having a corresponding real port driver (col 7,ln 25-45), port driver is an intermediate driver (col 3, ln 30-56).

It would have been obvious to apply the teaching Bullough to APA in order to eliminate the need to rewrite communication applications.

As to claim 4, APA teaches non-persistent (non-persistent mode, page 2, ln 16-13).

As to claim 5, APA teaches device drive (the device driver, page 4), persistent (persistent, page 4), an intermediate driver (an intermediate driver, page3, ln 10-23), memory (memory, page 4).

As to claim 9, APA teaches a network-interface card (network-interface card, page 3, page 4), an intermediate driver (an intermediate driver, page 3 to page 4),

Art Unit: 2126

memory (memory, page 4), a persistency (persistent mode, page 4, ln 10-24), a device driver (a device driver, page 4). APA does teach the parse being configured to ser its persistency. However, APA teaches the device driver makes itself available to the intermediate. It would have been obvious to apply the teaching of APA for the controlling purpose in order to perform the driver installation procedure.

As to claim 10, APA teaches an intermediate driver (an intermediate driver, page 3 to page 4), memory (memory, page 4), a persistency (persistent mode, page 4, ln 10-24), a device driver (a device driver, page 4).

As to the server of claim 11, see the rejection of claim 4.

As to the network interface of claim 18, see the rejection of claim 4.

As to the network interface of claim 19, see the rejection of claim 5.

As to the machine-reable medium of claim 23, see the rejection of claim 1.

As to the machine-readble medium of claim 26, see the rejection of claim 4.

As to the machine-readble medium of claim 27, see the rejection of claim 5.

As to the machine-readble medium of claim 29, see the rejection of claim 10.

2. Claims 2,6-8, 12-17, 20-22, 24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Admitted Prior Art (APA) in view of Bullough (US. Patent 6,282,586 B1) in view of Spurlock (US. Patent 5,581,766).

As to claim 2, APA teaches intermediate (an intermediate driver, page 3 to page 4).

APA does not teach receiving a message, a calling process. However, Spurlock teaches the call command send to the intermediate video driver to the configuration video driver, result form executing the command was stored in the table. This table was used to

Art Unit: 2126

the identify the device driver. If table include identification for the driver, that means that the call command come from the intermediate driver or the intermediate is present in memory (col 6, ln 1-50, col 8, ln 1-31).

It would have been obvious to apply the teaching of Spurlock to APA in order to involve loading an intermediate video driver. The intermediate video driver receives video function calls, and then communicates those commands to select the configuration video driver.

As to claim 6, APA teaches persistent (persistent, page 4), an intermediate driver (an intermediate driver, page3, ln 10-23).

APA does not teach pre-specified. However, Spurlock teaches configuration-specific video device (col 6, ln 1-50, col 3, ln 44-48).

It would have been obvious to apply the teaching of Spurlock to APA in order to make the control of device driver persistency more consistent.

As to claim 7, APA teaches device drive (the device driver, page 4), persistent (persistent, page 4), an intermediate driver (an intermediate driver, page3, ln 10-23).

APA does not teach a default persistency. However, Spurlock teach default, the generic video driver is loaded in the same manner as the application specific video driver (col 6, ln 1-50).

It would have been obvious to apply the teaching of Spurlock to APA in order to make the control of device driver persistency more consistent.

As to claim 8, APA teaches device drive (the device driver, page 4), persistent (persistent, page 4), an intermediate driver (an intermediate driver, page3, ln 10-23).

Art Unit: 2126

APA does not teach automatic control. However, Spurlock teach automatically (col 3, ln 40-48/ col 4, ln 64-67).

It would have been obvious to apply the teaching of Spurlock to APA in order to make the control of device driver persistency more consistent.

As to the server of claim 12, see the rejection of claim 2.

As to claim 13, 14 APA teaches device driver (a device driver, page 4).

APA does not teach configuration data, pre-specified. However, Spurlock teaches the configuration-specific video driver (col 6, ln 1-50).

It would have been obvious to apply the teaching of Spurlock to APA in order to make the control of device driver persistency more consistent.

As to claim 15, APA teaches device driver (a device driver, page 4).

APA does not teach configuration data comprises instructions to disable automatic (automatically selecting an appropriate video system for automatically current video system configuration (col 8, ln 32-37).

It would have been obvious to apply the teaching of Spurlock to APA in order to make the control of device driver persistency more consistent.

As to claim 16, APA teaches a network-interface card (network interface card, page 3), memory element (an intermediate driver, the operating system, device driver, page 3), a device driver (device driver, page 3), controlling (manages, page 3), persistency (persistency, page 4), memory (memory, page 4).

APA does not teach receiving a message, a calling process. However, Spurlock teaches the call command send to the intermediate video driver to the configuration video driver, result form executing the command was stored in the table. This table was used to

Art Unit: 2126

the identify the device driver. If table include identification for the driver, that means that the call command come from the intermediate driver or the intermediate is present in memory (col 6, ln 1-50, col 8, ln 1-31).

It would have been obvious to apply the teaching of Spurlock to APA in order to involve loading an intermediate video driver. The intermediate video driver receives video function calls, and then communicates those commands to select the configuration video driver.

As to the network interface of claim 17, see the rejection of claim 2.

As to the network interface of claim 20, see the rejection of claim 6.

As to the network interface of claim 21, see the rejection of claim 7.

As to the network interface of claim 22, see the rejection of claim 2 and 15.

As to the machine-readable medium of claim 24, see the rejection of claim 2.

As to the machine-readable medium of claim 28, see the rejection of claim 6.

3. Claims 3, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Admitted Prior Art (APA) in view of Bullough et al (US. 6,282,586 B1) in view in view of Spurlock (US. Patent 5,581,766) and further in view of Kim (Method for performing inter-shared memory).

As to claim 3, APA does not teach an event control block. However, Kim teaches an event control block (page 1).

It would have been obvious to apply the teaching of Kim to APA in order to provide information of an event control block, which needs to send or receive a packet tailored to the needs of application.

As to the machine-readable medium of claim 25, see the rejection of claim 3.

Art Unit: 2126

4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong
September 26, 2003



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100